

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRACH EDWARD NORRIS,

Petitioner,

vs.

STATE OF WASHINGTON,

Respondent.

2:15-cv-00240-SAB

**ORDER DENYING MOTION
FOR RECONSIDERATION**

By Order filed November 17, 2015, Petitioner Brach Edward Norris's habeas petition was transferred to the Ninth Circuit Court of Appeals and the file was closed, ECF No. 12. Nevertheless, Petitioner continues to file documents here. His most recent submission is a Motion to Reconsider the Order Denying his Motion for Certificate of Appealability, ECF No. 22. ECF No. 24 It was considered without oral argument on the date signed below.

As noted in the Order denying Petitioner's previous Motion for Reconsideration, ECF No. 19, a motion for reconsideration should only be granted if the Court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration should not be granted, absent highly unusual circumstances." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). A motion for reconsideration may not be used to raise arguments

1 or present evidence for the first time when they could reasonably have been raised
2 earlier in the litigation. *Id.*; *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877,
3 890 (9th Cir. 2000).

4 After reviewing the record, the Court finds that Petitioner has not met this
5 standard. He has not presented any newly discovered evidence and he does not
6 allege that the Court committed a clear error in its Order dated March 25, 2016.
7 Further, Petitioner cites no intervening controlling law. There is no basis to grant
8 the motion.

9 Therefore, **IT IS ORDERED:**

10 1. Petitioner's Motion for Reconsideration, ECF No. 24 is **DENIED**. Any
11 future motions should be directed to the Ninth Circuit Court of Appeals, where this
12 action is currently pending.

13 **IT IS SO ORDERED.** The Clerk of Court shall enter this Order and
14 forward copies to Petitioner and to the Ninth Circuit Court of Appeals for
15 inclusion, if deemed appropriate, in Court of Appeals case No. 15-73509. This file
16 shall remain closed.

17 **DATED** this 12th day of May, 2016.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

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Stanley A. Bastian
United States District Judge